

Notice of Allowability	Application No.	Applicant(s)	
	09/692,346	FRAZIER ET AL.	
	Examiner	Art Unit	
	Bradley Edelman	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's appeal brief filed on February 7, 2005.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ The drawings filed on 17 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>8/16/04</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3/24/05</u> 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|

Bradley Edelman

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen Tkacs on March 24, 2005.

The application has been amended as follows:

IN THE SPECIFICATION:

- a. In the amendment to the specification submitted by applicant on February 10, 2004, replace the paragraph submitted on page 2 of the amendment with the following paragraph:

--The present invention is related to applications entitled A System Area Network of End-to-End Context via Reliable Datagram Domains, serial no. 09/692,354; Method and Apparatus for Pausing a Send Queue without Causing Sympathy Errors, serial no. 09/692,340, now U.S. Patent No. 6,766,467; Method and Apparatus to Perform Fabric Management, serial no. 09/692,344; End Node Partitioning Using LMC for a System Area Network, serial no. 09/692,351; Method and Apparatus for Dynamic Retention of System Area Network Management Information in Non-Volatile Store, serial no. 09/692,365; Method and Apparatus for Retaining Network Security Settings Across Power Cycles, serial no. 09/692,337; Method and Apparatus for Reporting Unauthorized Attempts to Access Nodes in a Network Computing System, serial no. 09/692,348;

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Method and Apparatus for Ensuring Scalable Mastership During Initialization of a System Area Network, serial no. 09/692,341; and Method and Apparatus for Using a Service ID for the Equivalent of Port ID in a Network Computing System, serial no. 09/692,352, now abandoned, all of which are filed even data hereof, assigned to same assignee, and incorporated herein by reference.--

IN THE CLAIMS:

- a. In claim 28, before the phrase "computer readable medium," insert the word --tangible--.

Allowable Subject Matter

2. Claims 1-28 are allowed.

The following is an examiner's statement of reasons for allowance: Examiner finds Applicant's arguments submitted in the Appeal Brief filed on February 7, 2005 to be persuasive.

Notably, regarding claim 1, none of the cited prior art references disclose or render obvious the claimed method for selecting a master in a network computing system, including discovery requests and responses as claimed, wherein the first subnet manager shifts to a standby mode if a second priority received from a second subnet manager within the system is higher than a first priority assigned to the first subnet manager, and wherein the first subnet manager shifts to a standby mode if no response is received from any node containing a subnet manager having a priority

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higher than the first priority and if discovery of the other nodes within the network computing system is complete. These features are enabled at least on pages 25-29 of Applicant's specification.

Claims 2-12 depend from claim 1 and are thus allowed for the same reasons.

Claims 13 presents a system for performing the same method as claim 1 and is thus allowed for the same reasons.

Claim 14 depends from claim 13, and is thus allowed for the same reasons.

Claim 15 presents a system for performing the same method as claim 1 and is thus allowed for the same reasons.

Claim 16 presents an apparatus for performing the same method as claim 1 and is thus allowed for the same reasons.

Claims 17-27 depend from claim 16, and are thus allowed for the same reasons.

Claim 28 presents a computer program product on a tangible computer readable medium for performing the same method as claim 1, and is thus allowed for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is 571-272-3953. The examiner can normally be reached from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached at 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bradley Edelman

BE
March 24, 2005